

REPUBLIC OF KOREA 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Korea is a constitutional democracy governed by a president and a unicameral legislature. Observers considered the March 9 presidential and June 1 local elections free and fair.

The Korean National Police Agency, under the supervision of the Ministry of the Interior and Safety, is responsible for internal security over land, and the Korea Coast Guard has jurisdiction over the sea. The National Intelligence Service investigates suspected criminal activity related to national security. Civilian authorities maintained effective control over security forces, and the government utilized effective mechanisms to investigate and punish abuse of power. There were no reports that members of the security forces committed serious abuses.

Significant human rights issues included credible reports of: restrictions on freedom of expression, including the use of criminal libel laws; government corruption; lack of investigation of and accountability for gender-based violence; and laws criminalizing consensual same-sex sexual conduct between adults in the military.

The government took steps to identify, investigate, prosecute, and punish officials for corruption and human rights abuses.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The law prohibits such practices, but there were a few reports that government officials employed them; the Center for Military Human Rights Korea, a local nongovernmental organization (NGO), reported some instances of violence and cruel treatment in the military.

The Ministry of National Defense reported that its Defense Help Call Line, an anonymous mechanism to report abuses, received 536 calls as of October. In 2021 the military reported 83 suicides by military personnel, nearly twice the number in 2020. Local NGOs believed bullying, hazing, and violence played a role in some suicides in the military. NGOs and media reported such mistreatment of subordinates by more senior military personnel, as well as credible allegations of sexual harassment and assault. NGOs expressed concern regarding suicides in the military, particularly among lower-ranking officers and noncommissioned officers (NCOs).

A marine corporal was arrested in July for allegedly physically assaulting and bullying two marine lance corporals from June to July. One of the lance corporals was hospitalized on June 22 after the marine corporal reportedly physically assaulted him, requiring him to undergo surgery to repair damaged chest cartilage. Superiors did not take immediate action to protect the safety of the lance corporals, instead allegedly bullying and threatening the injured lance corporal and questioning the severity of his injuries.

In September the Supreme Court upheld an air force NCO's seven-year sentence in connection with the suicide of a woman NCO in May 2021. The prosecution reported that two 20th Fighter Wing officers failed to protect the woman after she reported being sexually assaulted. The prosecution stated the two officers made false and defamatory remarks concerning the woman NCO and that the military prosecutor in charge of investigating the case neglected his duties and delayed his

review of the case.

Prison and Detention Center Conditions

Prison and detention center conditions were generally adequate, and detainees had access to relief measures.

Administration: Authorities investigated all reports of mistreatment and reported inmates had several relief procedures available to them for any perceived abuses of their rights.

In January the Seoul Administrative Court ruled that lawyers who do not have a COVID-19 vaccination certificate or a negative COVID-19 test result may meet with their clients in correctional facilities. The court said that prohibiting such access was unreasonable discrimination.

Independent Monitoring: There were no reports of problems in accessing prison facilities. The National Human Rights Commission of Korea (NHRCK) and NGOs have access to correctional facilities to investigate reported cases of human rights abuses.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

The National Security Law (NSL) grants authorities the power to detain, arrest, and imprison persons believed to have committed acts intended to endanger the “security of the state.” Civil society groups argued that the National Intelligence Service’s powers and lack of oversight enabled it to define its mandate overly broadly.

Arrest Procedures and Treatment of Detainees

The law requires warrants in cases of arrest, detention, seizure, or search unless authorities apprehend a person when committing a criminal act, a judge is not available, or if authorities believe a suspect may destroy evidence or flee if not

arrested quickly. In such cases a public prosecutor or police officer must prepare an affidavit of emergency arrest immediately upon apprehension of the suspect. Authorities may not interrogate for more than six hours a person who voluntarily submits to questioning at a police station. Authorities must either indict or release an arrested suspect within 20 days. The law allows 10 additional days of detention in exceptional circumstances.

There is a bail system. By law bail is authorized except for repeat offenders; those deemed a flight risk, danger to the public, or likely to attempt to destroy evidence; those charged with committing serious offenses; and those who have no fixed address. Even if one of the above justifications applies, a court may still grant bail if there is a “substantial reason” to do so.

The law provides for the right to representation by an attorney, including during police interrogation. There were no reports of denial of access to counsel. There are no restrictions on access to a lawyer, but authorities may limit a lawyer’s participation in an interrogation if the lawyer obstructs the interrogation or impedes an investigation. Under certain circumstances during the pretrial stage, an indigent detainee may request that the court provide a lawyer.

Access to family members during detention varied according to the severity of the crime.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution provides for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Political Prisoners and Detainees

The Ministry of Justice stated there were no persons incarcerated or detained because of their political beliefs. Some NGOs, however, argued that individuals arrested for violations of the NSL or for strike activities qualified as political

prisoners.

All male citizens must complete 18 to 21 months of mandatory military service; the penalty for refusing conscription is 18 months' imprisonment, but conscientious objectors may do alternative service for 36 months at correctional facilities. Jehovah's Witnesses and international human rights observers said they believed the longer alternative service period was punitive and noted that alternative service personnel had curfews and restricted access to electronic devices. For the first time a conscientious objector was indicted in July after refusing alternative service, citing its punitive nature; his trial began in October.

Civil Judicial Procedures and Remedies

Citizens may file lawsuits seeking damages for, or cessation of, a human rights abuse. Individuals and organizations may appeal adverse decisions to domestic human rights bodies, and then to the UN Human Rights Committee.

Administrative remedies are also available for alleged wrongs.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such interference, and the government generally respected these prohibitions.

While it does not outright prohibit access to media content from the Democratic People's Republic of Korea (DPRK), the NSL forbids citizens from listening to DPRK radio programs, viewing DPRK satellite telecasts, or reading books published in the DPRK if the government determines such an action endangers national security or the basic order of democracy. Such determinations were rare.

In December 2021 observers criticized the Corruption Investigation Office for High-Ranking Officials after allegations that it abused its investigatory power by collecting the communications data of journalists and then-opposition politicians.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and

Other Media

The law provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press. Nonetheless, the government's interpretation and implementation of the NSL and other laws and provisions of the constitution limited freedom of speech and expression, and restricted access to the internet.

The law criminalizes the dissemination or movement of leaflets and other materials across the inter-Korean border to the DPRK without obtaining prior approval, including items such as cash and digital storage drives with South Korean news, documentaries, and television dramas.

In September President Yoon Suk Yeol stated that broadcaster MBC could put the country's security at risk by damaging its relations with key foreign partners after the broadcaster released a tape of what it reported as President Yoon criticizing a foreign legislature. A ruling party congressman filed a complaint against MBC with Seoul police, accusing the broadcaster of defamation and disrupting presidential duties. A coalition of video journalists released a statement on September 24 that the presidential office asked MBC to "do something" to stop the tape's release and said it was concerned regarding attacks and reports slandering video journalists.

On November 10, the presidential office stated it had barred MBC from boarding the presidential aircraft to cover an overseas trip because of its "repeated distorted and biased coverage of foreign policy issues recently." Eight media workers' organizations released a joint statement that called the decision "clear defiance of the Constitution that guarantees press freedom."

Libel/Slander Laws: The government and public figures used libel and slander laws, which broadly define and criminalize defamation, to restrict public discussion and harass, intimidate, or censor private and media expression. The law allows punishment of up to three years in prison for statements found to be "slander" or "libel," even if factual, and up to seven years for statements found to

be false. The law punishes defamation of deceased persons as well; the maximum punishment if convicted is two years' imprisonment. There is an exception for statements made for the "public benefit," subject to the court's interpretation. NGOs and human rights attorneys continued to note cases of politicians, government officials, and celebrities using the libel laws to deter survivors of workplace sexual harassment from coming forward or to retaliate against such survivors.

In June the Seoul Western District Court fined former health minister and political commentator Rhyu Si-min for making false comments regarding the former head of the prosecutorial service's anticorruption department during a radio interview in 2021.

In August police raided the office of YouTube channel Open Sympathy TV after the ruling People Power Party sued the channel for allegedly slandering President Yoon's wife, Kim Keon-hee.

National Security: The NSL criminalizes actions interpreted to be in support of the DPRK or otherwise against the state. The government used this law to arrest and imprison civilians and to deport foreigners. The Constitutional Court opened a hearing on the constitutionality of the NSL on September 15, the first time the Court has agreed to hold a public hearing on the law. Critics decried the law's limitations on freedom of expression and continued to call for repeal of the law.

During the first half of the year, authorities reported one arrest and indictment under the NSL. In July the Navy Prosecutor's Office charged a service member in the 2nd Fleet with violations of the NSL. The service member reportedly posted seven videos and 77 articles supporting the DPRK and its ideology online.

In December 2021 the Supreme Court overturned a lower court's verdict that an individual violated the NSL in 2000 by possessing a book promoting unification and joining an organization supporting "the enemy." The court ruled that, to be recognized as antigovernment expression under the NSL, the content of the expression must be active and aggressive enough to threaten the existence and security of the country, and that possessing a book without intent to distribute or promote it did not constitute an active threat to the country.

Internet Freedom

There were some government restrictions on internet access, and the government enjoyed wide legal authority to monitor email and internet chat rooms.

The Korea Communications Standards Commission, a government body, blocked websites it deemed harmful. Most blocked sites reportedly involved gambling, illegal food or drugs, or pornography. The commission also blocked DPRK propaganda on YouTube and Twitter. Although viewing websites praising the DPRK regime is lawful, disseminating information regarding those websites, including posting links to them, is illegal under the NSL.

The Communications Standards Commission determines whether posts made on social networking sites such as Twitter and Facebook, or in chat rooms, contain unlawful content, defined as harmful or illegal speech. If the government finds prohibited materials, it has the authority to warn the user. If the prohibited content is not removed, the user's account may be blocked.

Restrictions on Academic Freedom and Cultural Events

Teachers are subject to the same law on political activities that applies to civil servants. Unlike in previous years, there were no reports of the government censoring or prosecuting those responsible for portrayals of certain sensitive historic issues, such as the sexual enslavement of Korean women by the Japanese military during World War II. The Ministry of Gender Equality and Family monitors song lyrics and may ban content it considers obscene.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

The law provides for the freedom of peaceful assembly, and the government generally respected this right. The law may be used to prohibit or limit assemblies considered likely to undermine public order and requires advance notification for demonstrations of all types, including political rallies, and imposes some

restrictions on where protests may take place.

Police in May stated they would maintain a ban on rallies and demonstrations within 110 yards of the presidential office. Several civic groups sued, arguing that the law which prohibits rallies within 110 yards of the presidential residence does not apply to the new presidential office because the residence is no longer collocated with the office. The Seoul Administrative Court issued injunctions to conditionally allow civic activists to hold rallies around the presidential office.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel (except to North Korea), emigration, and repatriation; the government generally respected these rights.

e. Protection of Refugees

The government cooperated to a limited extent with the UN High Commissioner for Refugees and other humanitarian organizations to provide protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provides for granting asylum or refugee status, and the government has established a system for providing protection to refugees. The acceptance rate for refugees, however, was just 2.2 percent from January to July, raising concerns from NGOs and advocacy groups. While the government reported that it screens applications in 12 months and appeals could take nine months, experts said the entire process from initial application to exhaustion of appeals could take three to five years.

In January the National Assembly amended the law to allow 391 Afghan evacuees who provided special services while working for the country's companies and

embassy in Kabul and for the Korean International Cooperation Agency prior to the Taliban taking control of Afghanistan, to stay in the country for up to five years. The amendment designated them as “special contributors” and granted them educational and medical aid; paid for initial settlement costs; and enrolled them for social security and basic livelihood benefits.

Access to Basic Services: Cultural, linguistic, and social differences made adjustment difficult for refugees and asylum seekers. Many migrants from the DPRK, China, and other countries alleged societal discrimination and were not always provided access to basic services. These cases were often underreported.

Durable Solutions: The government continued its longstanding policy of accepting refugees from the DPRK, who by law are entitled to citizenship. The Ministry of Unification reported admitting 19 DPRK citizens through June. The government does not have a clear pathway to naturalization for recognized refugees from other countries, and NGOs stated that asset and income requirements were one of the biggest barriers to naturalization.

Temporary Protection: The law offers renewable one-year short-term humanitarian status to those who do not qualify as “refugees” (who have well founded fears of persecution on protected grounds) but nonetheless have reasonable grounds to believe their life or personal freedom may be violated by torture or otherwise egregiously endangered. Temporary humanitarian-stay permit holders do not have the same access to basic services as refugees and therefore rely heavily on NGOs for housing and support. Due to the government’s restrictions on the type of jobs humanitarian stay permit holders may hold, many of them faced difficulty in securing jobs.

In February the Ministry of Justice extended temporary humanitarian-stay status to approximately 3,800 Ukrainian nationals, citing the Russian war on Ukraine.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The presidential election on March 9 was considered free and fair.

Political Parties and Political Participation: By law the government rigorously and extensively regulates political expression by public officials and teachers, even in their private lives and regardless of their job duties. Public officials are also prohibited from joining political parties.

The law requires political parties to maintain a headquarters in Seoul and have at least five branch offices in other cities or provinces.

Participation of Women and Members of Minority Groups: No laws prevent the participation of women or members of historically marginalized groups in the political process, and they did participate. A quota system requires political parties to put forth a gender-balanced candidate list for the 47 proportional-representation seats in the 300-seat National Assembly, and for local council elections. Women were elected to 3 percent of district chief, city council, and mayoral seats in local elections in June. Civil society and government research institutes said informal political power networks were male dominated.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials. The government, prodded by media and civil society groups, generally implemented the law effectively. Nonetheless, officials sometimes engaged in corrupt practices with impunity, and there were numerous reports of government corruption at all levels.

Corruption: On August 15, President Yoon pardoned Samsung vice chairman Jay Y. Lee and Lotte Group chairman Shin Dong-bin, citing economic reasons and stabilizing individuals' livelihoods. Lee was implicated in the corruption scandal that led to the impeachment of former president Park Geun-hye, having sent funds to two nonprofit organizations run by a friend of Park's in exchange for political influence. Shin was also implicated in a bribery scandal involving former

president Park.

In November the Seoul Central District Court indicted Kim Yong, the deputy chief of the opposition Democratic Party's think tank, for allegedly accepting 600 million won (\$417,000) from Seongnam Development Corporation's then-acting president Yoo Dong-gyu to fund then-Democratic Party presidential candidate Lee Jae-myung's campaign. In February former ruling People Power Party congressman Kwak Sang-do was indicted for allegedly receiving a bribe from Hwacheon Daeyu after media reported his son received a five-billion-won (\$3.5 million) severance package from the company, more than 200 times his son's legally entitled severance package.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Some human rights organizations stated the government restricted activities of certain NGOs focused on the DPRK. In November 2021 the Ministry of Unification decided not to appeal a court ruling in October 2021 that a defector-led Seoul-based NGO that sent rice in bottles to the DPRK did not harm the public interest. Another defector-led civic group, Fighters for a Free North Korea, stated police partially blocked the group in October from sending balloons over the border; in October 2021 it appealed after a court ruled that the Ministry of Unification's revocation of its permit was justified.

Government Human Rights Bodies: The National Human Rights Commission of Korea, established as an independent government body to protect and promote the human rights enumerated in the constitution, does not have enforcement power, and its recommendations and decisions are nonbinding. It investigates complaints, issues policy recommendations, trains local officials, and conducts public-awareness campaigns.

The Korean National Police Agency's Human Rights Protection Division investigates allegations of human rights abuses by police.

The Ombudsman's Office investigated public grievances, mediated, and arbitrated disputes between public and government agencies, and evaluated services provided by central and local governments and education offices.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of women; rape not involving vaginal sexual intercourse is considered “imitative rape.” The penalty for rape ranges from a minimum of three years’ to life imprisonment, while “imitative rape” carries a minimum penalty of two years’ imprisonment. The legal definition of rape is based on whether the perpetrator used physical violence or intimidation. The Supreme Court acknowledged marital rape as a criminal offense. The law defines domestic violence as a serious crime and offenders may be sentenced to a maximum of five years in prison plus fines for domestic violence offenses. Due to the narrow legal definitions, the existence of laws criminalizing defamation, and prevalent discrimination against women, rape and domestic violence continued to go underreported and underprosecuted. Civic groups criticized the perceived lenience of the judicial system toward offenders, with many receiving light or suspended sentences that may not have effectively deterred offenders. Within this context, however, police generally responded promptly to reported incidents, and the judicial system effectively enforced the law. The Ministry of Gender Equality and Family surveyed 7,000 adult women in 2021; 57.8 percent of respondents said that society did not protect women from violent crimes and 35 percent said they experienced violence at least once.

Foreign brides (often in rural areas) brought to the country by brokers since the early 1990s experienced domestic violence at a higher rate than other women in the country. These women, primarily Vietnamese, Cambodian, and Filipina, were more vulnerable to domestic violence due to language barriers and the lack of a support network in the country. The Ministry of Gender Equality and Family continued to operate support centers and shelters to provide protection for foreign

brides who were survivors of sexual or domestic violence. The NGO Korean Migrant Women's Human Rights criticized the government's handling of divorced migrant women, who it stated were typically deported.

Digital sex crimes were a significant concern. Several NGOs stated the government had taken some positive steps to address digital sex crimes but emphasized the need to provide better support for survivors. The city government-operated Seoul Digital Sex Crimes Support Center opened in April and offers legal services, therapy, and investigative support to survivors. The center also assisted police with arresting five alleged digital sex offenders. Digital sex crimes may involve perpetrators capturing hidden camera footage without the survivor's consent, nonconsensual sharing of images that had been captured with consent, or sharing images that have been faked or manipulated to damage the survivor's reputation. Although digital sex crime cases that moved forward normally resulted in convictions, most defendants received only a suspended sentence or a fine.

A Digital Sex Crime Victim Support Center under the Ministry of Gender Equality and Family assisted survivors in requesting the deletion of images and videos from websites and supported survivors in collecting evidence and filing police reports. It also made referrals for free legal services and provides financial assistance for medical expenses. (See also "Sexual Exploitation of Children" below.)

The Ministry of Gender Equality and Family operated the Special Center for Reporting Sexual Harassment and Sexual Assault. There were 104 centers supported by central and local governments, 34 sexual violence survivor protection facilities, and 39 "sunflower centers" that provided counseling, medical care and therapy, caseworkers, and legal assistance. According to NGOs, sunflower centers generally provided adequate support to survivors of sexual assault.

Sexual Harassment: The law obligates companies and organizations to take preventive measures against sexual harassment. The government generally enforced the law effectively. The national police classify sexual harassment as "indecent acts" committed by force against another person. The NHRCK reported that survivors of workplace sexual harassment who relied on in-house grievance mechanisms faced stigma and other difficulties, including, in some cases, losing their jobs. Survivors who took their cases to court, as well as those who testified

on behalf of survivors at sexual harassment trials, were also subject to stigma.

Sexual harassment was a significant social problem, and there were numerous allegations of sexual harassment reported in media. Offenders face up to three years in prison and a significant fine, and up to five years in prison if they use a weapon. In September media widely reported that a male Seoul Metropolitan Transportation Center employee allegedly murdered a former coworker after sending her 300 threatening and coercive text messages since 2019. The woman sued the man in October 2021 for stalking and harassing her. The court, however, rejected a request for an arrest warrant, citing a low risk of him fleeing or destroying evidence. The woman filed another complaint in January. The man allegedly killed the woman the day before his September 15 sentencing hearing on charges of stalking. That hearing was postponed because of the killing, and on September 29 the Seoul Western District Court sentenced the individual to nine years' imprisonment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government provided access to sexual and reproductive health services for sexual violence survivors, including emergency contraception as clinical management of rape.

Discrimination: Women enjoy the same legal rights under the constitution as men; the government enforced the law effectively.

Systemic Racial or Ethnic Violence and Discrimination

Racial and ethnic minorities faced societal discrimination. The NHRCK and NGOs continued to urge the National Assembly to pass a comprehensive antidiscrimination law, expressing concern about a reported rise in ethnic discrimination in the country. Media reported that Daegu residents opposed to the construction of a mosque in the city started using terms in January such as “terrorist” and “Taliban” to refer to Muslim Daegu residents and left a pig’s head near the mosque’s construction site in November.

The Ministries of Gender Equality and Family and of Employment and Labor

implemented programs to promote cultural diversity and assist foreign workers, spouses, and multicultural families to adjust to living in the country. There were also 228 multicultural centers nationwide that provided education to Koreans married to foreigners on human rights, gender equality, multicultural understanding, and various family life topics.

Some children of immigrants suffered from discrimination and lack of access to social resources, such as child-care support available to Korean children. Some children of non-Korean or multiple ethnicities were also bullied because of their physical appearance.

Children

Birth Registration: Citizenship requires one parent be a citizen at the time of birth. Authorities also grant citizenship in circumstances where parentage is unclear or if the child would otherwise be stateless. Birth registration is provided and required by law for all with legal status in the country, leaving approximately 20,000 children born to undocumented foreigners without access to certain public benefits and protections.

Child Abuse: The law criminalizes serious injury and repeated abuse of children and provides prison terms of between five years and life. The law provides for the protection, counseling, education, and psychological treatment of abused children, and for their immediate separation from abusers. In November the government approved a revision to the Family Litigation Act allowing children abused by their parents to directly file for the termination of parental rights. The law previously required children to designate a third person to represent them in such suits.

In May the Suwon High Court sentenced a man to 22 years in prison for child abuse and murder after widespread outrage concerning the 2020 death of his age 16 months adopted child from physical abuse.

Child, Early, and Forced Marriage: The minimum legal age for men and women to marry is 18. There were no reported cases of forced marriage.

Sexual Exploitation of Children: The age of consent is 16. The penalty for rape of a minor younger than age 13 ranges from 10 years to life in prison; the penalty

for rape of a minor age 13 to 19 is five years' to life imprisonment. Other penalties include electronic monitoring of offenders, public release of their personal information, and reversible hormone treatment.

The law prohibits commercial sexual exploitation of children and the commercialization and possession of child pornography; the government enforced the law effectively. Offenders convicted of producing or possessing child sexual abuse materials for the purpose of selling, leasing, or distributing it are subject to a maximum of seven years' imprisonment. The minimum sentence for distribution of child pornography for profit is five years' imprisonment. Distribution not for profit is three years' imprisonment, and possession or purchase of child pornography is one year's imprisonment.

In April media reported that a man was arrested for sexual exploitation after allegedly soliciting naked photos of 11 girls on Zepeto, an online Metaverse platform. Police reportedly removed the photos from the platform following his arrest.

Children, especially runaway girls, were vulnerable to sex trafficking, including through online recruitment.

Antisemitism

The Jewish community numbered approximately 2,000 individuals, almost all expatriates. There were no reports of antisemitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No law criminalizes consensual same-sex sexual conduct between civilian adults. The "disgraceful conduct" clause in military law

criminalizes consensual sexual acts between individuals of the same sex in the military with up to two years' imprisonment, regardless of where the act took place. In April the Supreme Court overturned the 2019 conviction of two soldiers for participating in same-sex sexual acts, ruling the military court did not consider whether the sexual acts were consensual and took place off base and therefore excessively restricted the soldiers' right to sexual self-determination.

Violence against LGBTQI+ Persons: The government generally investigated and prosecuted those complicit in violence against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons. NGOs said that LGBTQI+ persons had inadequate legal protections from violence and reported isolated cases of commanding officers physically abusing LGBTQI+ members of the military. In May, an LGBTQI+ person reported that a man physically attacked him in Seoul while yelling anti-LGBTQI+ slurs. Police reportedly arrested and detained the man on the day of the attack.

LGBTQI+ youth in schools experienced isolation and mistreatment including bullying and harassment by teachers and fellow students, lack of confidential mental health support, and gender identity discrimination against transgender youth whose gender identity was not recognized, as schools set class divisions, restrooms, and uniform rules based on gender.

Discrimination: The law prohibits discrimination based on sexual orientation and authorizes the NHRCK to review cases of such discrimination, although its recommended relief measures are nonbinding. The law does not specifically prohibit discrimination based on gender identity. Politically powerful conservative Christian groups that reject LGBTQI+ rights continued to vehemently oppose a comprehensive antidiscrimination law that would prohibit discrimination across 23 categories.

In January a court in Seoul rejected a same-sex couple's bid for shared health insurance benefits, citing the lack of legislative recognition of same-sex partnerships.

Availability of Legal Gender Recognition: Individuals older than 19 may update their legal gender on identification documents with a court decision, which

requires that applicants meet burdensome requirements including completion of gender-affirming surgery, sterilization, not being married, having parental consent, and having no minor children. Individuals with gender identities other than male or female are not able to choose a nonbinary option.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: Although the NHRCK did not report any involuntary cases of so-called conversion therapy practices during the year, NGOs reported that conversion-therapy practices did occur, including counseling or psychotherapy (individual, group, and family, including at school or community counseling centers), medication therapy, in-patient therapy, electric shock treatment, and religious and spiritual intervention (religious rituals, exorcism, church camp retreat).

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: In June the Central Administrative Appeals Commission ruled that the Seoul Metropolitan government's 2021 denial of an application from the Seoul Queer Culture Festival Organizing Committee to register as a nonprofit organization was illegal. The Seoul government permitted the committee to hold a one-day festival on July 16 in Seoul Plaza but prohibited "excessive" body exposure and the sale or display of "obscene materials." The organizing committee stated regulating the behavior of festival participants and limiting the festival's duration was discriminatory.

Persons with Disabilities

Persons with disabilities had some access to education, employment, social programs, and government support but not on an equal basis with others. The government generally enforced laws requiring such access.

Children with disabilities aged three to 17 had access to both regular public schools and to a separate special education school system, depending on the child's needs. All regular childcare and educational facilities had to provide accommodations for students with disabilities. Government statistics show persons with disabilities were employed at lower rates than those without disabilities and, when employed, were more likely to do irregular work.

The enforcement regulations for building accessibility only apply to establishments larger than 300 square feet; the Research Institute for Differently Abled Person's Rights Korea said this practice left persons with disabilities no access to some establishments used in everyday life. The lack of accessible public transport led to prolonged demonstrations calling, inter alia, for universal use of low-floor buses. According to media reports, local agencies did not always provide accessible communications platforms for public health information during the COVID-19 pandemic or special accommodations for persons with disabilities during mandatory self-isolation periods.

The NHRCK requested in September that the Supreme Prosecutor's Office investigate a residential facility for persons with disabilities in Gangwon Province for alleged human rights abuses. The NHRCK reported that facility residents were tied to toilet bowls and compelled to perform forced labor, such as cleaning toilets and warehouse facilities. The facility stated tying residents to toilets was "unavoidable" because the residents were not toilet trained, and due to staff shortages it was necessary to maintain the cleanliness of the facility.

Persons with disabilities continued to face societal discrimination. NGOs said politicians also used discriminatory language to denounce their political rivals and their policies, which encouraged and perpetuated such discrimination.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of most workers to form and join independent unions, conduct strikes within strict limits, and bargain collectively, but certain limitations apply.

The law recognizes most workers' right to strike. Labor and employers in businesses deemed to be "essential services" are required to agree on a plan to maintain a minimum level of services for the public interest during a strike. Essential services include railroads, air transport, communications, water supply, and hospitals. The trade union law prohibits the use of replacement workers to conduct general business disrupted by legal strikes, but in essential services,

employers may hire replacements for up to 50 percent of striking workers.

By law parties involved in a “labor dispute” must first undergo third-party mediation through the National Labor Relations Commission (NLRB) before registering to strike. Strikes initiated following this period are legal if they obtain majority support from union membership. The law narrowly defines “labor dispute,” which makes strikes on many issues, such as downsizing and layoffs, illegal. Strikes not specifically pertaining to labor conditions, wages, benefits, or working hours are illegal. Participating in strikes falling outside of the legally prescribed definition may result in imprisonment or a fine for the organizers and participants.

Laws banning education workers from engaging in certain political activities, such as joining a political party or openly endorsing a political party or candidate, constrained education unions’ abilities to advocate for their positions. Dismissed workers may maintain their union membership.

The law permits workers to file complaints of unfair labor practices against employers who interfere with union organizing or who discriminate against union members. The law prohibits retribution against workers who strike legally, and the NLRB may order employers to reinstate workers fired for lawful union activities.

The government generally enforced legislation related to freedom of association, collective bargaining, and collective action, including legal strikes, and the penalties were commensurate with those for other laws involving denials of civil rights. Penalties were regularly applied against violators. In addition, an employer may be penalized for noncompliance with a labor relations commission order to reinstate a worker. The law sets penalties in the form of fines or imprisonment against employers who refuse unions’ lawful requests for bargaining.

Labor organizations generally operated without government interference.

Some “dispatched workers” (those on temporary contracts) said they faced increased risk of nonrenewal of their work contract if they joined unions or engaged in industrial disputes. Most undocumented foreign workers avoided participating in union activities due to the risk of exposing themselves to arrest and deportation.

In June and July shipyard workers held strikes to demand increased wages for subcontracted workers. In June and November truckers held nationwide strikes protesting the expiration of a program that required basic wages for truckers. As of December 8, the strikes continued despite multiple efforts by the government to mandate truckers' return to work across a range of economic sectors. Financial workers in September held a one-day nationwide strike calling for a wage hike and a 4.5-day work week.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor. The government generally enforced the law effectively but did not consistently identify cases of forced labor.

NGOs continued to report that some migrant workers were subject to forced labor, particularly those who had incurred thousands of dollars in debt for payment of recruitment fees, making them vulnerable to debt bondage. Some migrant workers in the agriculture, livestock, and fishing industries faced conditions indicative of forced labor, including deceptive recruiting practices, confiscation of passports, and nonpayment of wages.

NGOs reported harsh conditions for migrant seafarers, including low wages, 18-hour workdays, and physical and verbal abuse from Korean captains and other crew. The law prohibits recruiters, agents, employers, or managers from receiving money or other valuables or benefits from potential seafarers in exchange for securing employment. Nevertheless, NGOs reported Republic of Korea-flagged vessel owners routinely demanded security deposits from foreign crewmembers to discourage them from transferring jobs.

Stakeholders reported that law enforcement on behalf of workers on fishing vessels was limited by jurisdictional disputes between the Ministries of Employment and Labor, Ministry of Oceans and Fisheries, and the coast guard.

The government also investigated instances of abuse, including forced labor, against workers with intellectual disabilities.

Also see the Department of State's *Trafficking in Persons Report* at

<https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The law provides a minimum age for employment of 15 but has an exception for work by children younger than 15 if they have an authorization certificate from the Ministry of Employment and Labor. The Ministry of Employment and Labor reported they issued 76 certificates for full-time employment during the year. Children ages 15 to 18 may work with the consent of at least one person with parental authority or a guardian, for limited hours and are prohibited from night work. Workers younger than age 18 may not work in employment that is detrimental to their health or “morality.” Employers in industries considered harmful or hazardous to a minor’s morals or health may not hire them and face fines or imprisonment for violations.

The maximum penalty for child labor, three years’ imprisonment, was not commensurate with that for analogous serious crimes, such as kidnapping, which is penalized by up to 10 years’ imprisonment, but prosecutors could apply other criminal statutes in such a case. Penalties were regularly applied to violators. The government reported no violations of child labor laws. The government generally effectively enforced the law.

There were some reports of commercial sexual exploitation of children (see section 6, Children).

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment or occupation based on gender, nationality, social status, age, religion, or disability. No law explicitly prohibits discrimination based on race or ethnicity, sexual orientation, language, or HIV or other communicable disease status. The penalties for employment discrimination were commensurate with laws related to similar violations. Penalties were regularly applied to violators. The law prohibits companies with more than 30 employees from asking job applicants regarding family members, place of origin, marital status, age, or property ownership.

The law provides for equal pay for equal work. The government inconsistently

enforced the law, and gender discrimination occurred. The OECD reported in November 2021 that the country's gender pay gap was 31.5 percent in 2020. Workers' rights groups attributed the gap to women's childcare and household responsibilities. A higher percentage of women filled lower-paying, low-skilled contract jobs, and women often faced difficulties returning to the workforce after childbirth. Legal restrictions against women in employment included limits on working hours, occupations, and tasks. In particular, the law restricted women's participation in "hazardous" occupations such as mining. In September the Ministry of Gender Equality and Family reported that the employment rate for women in 2021 was 51.2 percent, 18.8 percent lower than that of men (70 percent).

There were numerous allegations of sexual harassment in the workplace (see section 6, Women).

Law requires employers to fight bullying in the workplace. The Ministry of Employment and Labor reported 7,741 cases of workplace bullying in 2021 and 3,985 during the first half of the year. By law employers convicted of failing to take action to protect bullied employees face a fine and up to three years in prison.

The law prohibits discrimination against subcontracted (also known as "dispatched") and temporary workers, who comprised approximately one-third of all wage workers and were found especially in the electronics, automotive, and service sectors.

Discrimination in the workplace occurred against persons with HIV or AIDS, women, persons with disabilities, and migrant workers.

Many migrant workers faced workplace discrimination. The maximum length of stay permitted under the Employee Permit System is four years and 10 months, not quite the five years needed to apply for permanent residency. NGOs and civil society groups asserted this policy is designed to exclude foreign workers from permanent residence or citizenship eligibility. NGOs stated it remained difficult for migrant workers to change employers (see sections 7.b. and 7.e.).

e. Acceptable Conditions of Work

Wage and Hour Laws: There is a minimum wage, but it does not cover workers

in the agricultural, livestock, and fisheries industries. During the year the minimum wage increased 5.1 percent and was above the official poverty line.

The law allows a flexible system under which employees may work more than eight hours during certain days and more than 40 hours per week during certain weeks (up to a maximum of 52 hours in a single week), so long as average weekly work hours for any two-week period do not exceed 40 hours and workers have a mandatory day of rest each week. For employers who adopt a flexible system, hours exceeding 80 in a two-week period constitute overtime. Foreign companies operating in export-processing zones are exempt from labor regulations that mandate one day of rest a week. The law limits overtime of ordinary workers to 12 hours a week.

Standards for working and rest hours and paid leave do not apply to seafarers; overtime pay standards apply to fishermen on coastal fishing vessels, but not to those on deep-sea fishing vessels. The Ministry of Oceans and Fisheries reported that the minimum wage for migrant crewmembers was 81 percent of Korean crewmembers' minimum wage. In April 2021 the Ministry of Employment and Labor found that Kakao Corp., a major internet company, committed several violations of overtime laws, including asking employees who were pregnant to work overtime without pay and without recording their overtime hours.

Regulations outline legal protections for migrant and foreign workers. Wage and hour inspections covered businesses with foreign workers, particularly in the agriculture, livestock, fisheries, and construction sectors, which generally had poor working conditions. Migrants' rights advocates noted the government inspected only a small percentage of workplaces that hire migrant workers and asserted that employers were not deterred from violating labor standards because most inspections were perfunctory and, even if violations were found, the typical result was a corrective order.

NGOs and local media reported discrimination against workers who do not have full-time, permanent employment and who do not receive benefits at the same level as permanent workers. For example, while the law requires the conversion to permanent status of those employed longer than two years, employers often laid off irregular workers shortly before the two-year mark. To address this the

government provides subsidies and tax breaks to encourage businesses to hire temporary workers on a permanent basis, according to the labor ministry.

Migrant workers faced multiple restrictions on employment mobility, which left them vulnerable to exploitation. NGOs continued to push for changes to the employment permit system to allow migrant workers the freedom to change employers. Migrant workers generally must obtain the consent of their current employers to switch jobs or can request a change based on very limited circumstances beyond their control. Workers' rights NGOs noted the burden was on the worker to present evidence of the mistreatment to avail themselves of these provisions, making it very difficult to switch jobs without the employer's consent.

To prevent violations and improve working conditions for migrant and foreign workers, the government provided preemployment training to newly arrived foreign workers, workplace adaptation training to those who changed workplaces, and training to employers who hired foreign workers. The law requires all employers of foreign workers under the employment permit system to receive training on labor laws and human rights. The government funded 45 foreign workers support centers nationwide to provide foreign workers with counseling services in 16 languages, Korean-language instruction and cultural programs, shelter, and free health-care services. It also ran a call center to help foreign workers resolve grievances. The government also funded multicultural family and migrant plus centers to provide foreign workers, international marriage immigrants, and other multicultural families with a one-stop service center providing immigration, welfare, and education services.

The law requires severance payments to migrant workers who have worked in the country for at least one year. Many workers, however, reported difficulty in receiving severance pay prior to their departure and stated they did not receive payments even after returning to their country of origin, due to banking regulations and delinquent employers. NGOs confirmed many departing migrants never received these payments and that the COVID-19 pandemic magnified these difficulties.

Some NGOs reported migrant workers were particularly vulnerable to exploitation because the law excludes regulations on working hours, holidays, and benefits for

the agricultural, livestock, and fisheries industries that had large numbers of migrant workers. Foreign laborers sometimes faced physical abuse and exploitation by employers in the form of longer working hours, fewer days off, and lower wages than their local counterparts. According to NGOs, the government only occasionally investigated reports of poor or abusive working conditions for migrants, and court cases were often dismissed due to insufficient evidence.

Surveys show nearly all migrant workers lived in housing provided by their employers. In the farming and fisheries sector, a majority continued to report living in makeshift structures made of assembled panels, containers, or structures covered with vinyl sheeting.

Occupational Safety and Health: The Korea Occupational Health and Safety Agency, under the supervision of the Ministry of Employment and Labor, established occupational health and safety (OSH) standards and worked to identify unsafe working conditions. Under the law workers in every sector have the right to remove themselves from situations of danger without jeopardizing their employment. The Serious Accident Punishment Act took effect in January and requires stricter compliance from business owners and places responsibility for accident prevention on CEOs. The Ministry of Employment and Labor reported in September that seven cases of serious industrial accidents were reported since the law's implementation. In August the Ministry of Employment and Labor reported that 75 of 668 deaths of foreign workers were caused by serious industrial accidents in 2021, three times higher than the frequency for Korean workers. NGO and labor groups cited poor working conditions and lack of legal protections for foreign workers as primary factors contributing to the higher rates of industrial accidents.

According to the Ministry of Employment and Labor, there were 122,713 industrial accidents in 2021 and 2,080 occupational deaths. The ministry reported 61,822 industrial accidents in the first half of the year and 1,142 deaths. The leading causes of workplace deaths were falls and accidents involving equipment in the construction and manufacturing sectors. The ministry acknowledged that challenges remained in further reducing the level of fatal accidents to approximately that of other advanced countries; protecting the safety of workers vulnerable to occupational accidents or health risks, including older workers,

women, migrants, and those working in small workplaces; and reducing safety gaps between large enterprises and small- and medium-sized enterprises, as well as between parent companies and subcontractors.

On January 11, six workers were killed and 11 injured after an apartment building under construction collapsed in Gwangju, South Jeolla Province. In March the Ministry of Land, Infrastructure, and Transport asked the Seoul metropolitan government to impose a one-year suspension of business on Hyundai Industrial Development because of the building collapse. The Ministry of Employment and Labor similarly asked for a four-month suspension of the firm. Police arrested three individuals connected to the project, including the building's construction manager.

Wage, Hour, and OSH Enforcement: The government generally effectively enforced laws on wages and acceptable conditions of work in most sectors, but migrants faced discriminatory laws. The Labor Ministry was generally responsible for enforcement of labor laws and the number of labor inspectors was sufficient to deter violations in most sectors. The Ministry of Labor and the Ministry of Oceans and Fisheries had overlapping enforcement responsibilities for foreign seafarers. Labor inspectors had the authority to identify unsafe conditions, conduct unannounced visits, and issue corrective orders. Penalties for violations included imprisonment and fines and were generally commensurate with those for similar crimes, such as fraud. Fines for wage hour violations were sometimes applied against violators. The government enforced the occupational safety and health laws, and penalties for violations were commensurate with those for analogous crimes such as gross negligence. Fines for OSH violations were regularly applied against violators.